

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Clarke, Raymond et al.
Application No.	:	10/597,515
International Application No.	:	PCT/US04/42018
International Filing Date	:	December 13, 2004
Title	:	PACKAGING
Group/Art Unit	:	3734
Examiner	:	To Be Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present communication is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed November 20, 2006.

Additional Claim Fees

Submitted herewith is a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission under 35 USC 371, which was filed in connection with the above-identified international patent application. On page 3 of this document, box (c) is marked with an "x," indicating that the Commissioner was authorized to charge any additional fees which may be required to Deposit Account No. 19-2090. In view of this, the additional claim fee of \$25 which is indicated in the Notification of Missing Requirements as being due should have been charged to Deposit Account No. 19-2090, as instructed in the Transmittal Letter.

In view of the prior submission of the Transmittal Letter authorizing the payment of the \$25 additional claim fee, the Applicants respectfully submit that the submission of this fee is not late, and that the Notification of Missing Requirements was issued in error with respect to the requirement to submit this fee. This requirement in the Notification of Missing Requirements should therefore be withdrawn.

Oath or Declaration of the Inventors

A declaration signed by the inventors was filed together with the above-identified international application pursuant to PCT Rule 4.17(iv). A copy of this declaration is submitted herewith. Pursuant to MPEP § 1893.01(e), the requirement for an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted in the international application. No declaration is therefore due in connection with the present international application.

In view of the prior submission of a signed declaration at the time that the present international application was filed, the Applicants respectfully submit that the Notification of Missing Requirements was issued in error with respect to the requirement to submit a declaration of the inventors. The Applicants therefore respectfully request that this requirement be withdrawn.

Request to Withdraw Finding of Missing Requirements

In view of the foregoing, neither the declaration filed in the present international application nor the authorization to pay additional claim fees was submitted late, and the Applicants therefore respectfully request that the Notification of Missing Requirements be withdrawn. No additional fees are thus believed to be due in connection with this communication. If, however, any fees are due in connection with this communication, please charge such fees or credit any overpayment to Deposit Account No. 19-2090.

If there remain any formal issues with respect to the present application which can be addressed by telephone, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 16, 2007

By: /michael fedrick/
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/597,515	Raymond Clarke	14752-1US

23676
 SHELDON MAK ROSE & ANDERSON PC
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INTERNATIONAL APPLICATION NO.	
PCT/US04/42018	
I.A. FILING DATE	PRIORITY DATE

Ntc of missing requirements 1/12/06
2 month Response 1/22/07
6 month Response 5/21/07.

CONFIRMATION NO. 2212

371 FORMALITIES LETTER



OC000000021293610

Date Mailed: 11/20/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/27/2006
- Copy of the International Search Report filed on 07/27/2006
- Copy of IPE Report filed on 07/27/2006
- Preliminary Amendments filed on 07/27/2006
- U.S. Basic National Fees filed on 07/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$25 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$90 for a Small Entity:

- **\$65 Surcharge.**
- **Total additional claim fee(s) for this application is \$ 25**
 - **\$25 for 4 total claims over 20.**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebs>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/597,515	PCT/US04/42018	14752-1US

FORM PCT/DO/EO/905 (371 Formalities Notice)